IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 7931 of 2007()

(CRIME NO.52/2007 OF KUMBALA EXCISE RANGE)

PETITIONER/ACCUSED:

K. ABDUL AZEEZ, AGED 23 YEARS,
S/O. AHAMMED KUNHI HAJI, KATTA HOUSE,
ICHILANKODE KATTA, ICHILANKODE VILLAGE,
KASARAGOD DISTRICT.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS: COMPLAINANT & STATE:

1. STATE - REPRESENTED BY PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

2. THE EXCISE RANGE OFFICER,
   (CRIME NO.52 OF 2007 OF KUMBALA EXCISE RANGE),
   KASARAGOD DISTRICT.

BY PUBLIC PROSECUTOR SMT.SUDHA DEVI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

S.SIRI JAGAN, J.

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B.A.No.7931 of 2007

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Dated this the 24th day of December, 2007

J U D G M E N T

The petitioner is an accused in crime No.52/2007 of Kumbala Excise Range. The petitioner has been accused of offence punishable under Section 55(a) of the Abkari Act. The allegation against the petitioner is that on 23.11.2007 at 9 a.m. the petitioner was found in possession of 5400 packets each containing 100 ml arrack, 50 *kannas* and 30 litres of spirit, and a packing machine. The petitioner protests innocence of all the above allegations. He was arrested on 23.11.2007 and is in judicial custody since then. He approached the Sessions Court for bail and the same was dismissed on the ground that no reasonable circumstances are brought before the court for believing that he is not guilty of such offence and he is not likely to commit any offence while on bail, and the investigation is not yet completed.

2. Learned Public Prosecutor opposes the application.

3. After hearing both sides, I am not satisfied that the petitioner can be granted bail at this juncture. Accordingly, this application is dismissed. It would be open to the petitioner to move for bail again after a month.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.